Serial No.: 09/581,040
Inventor(s): Willy De Meyer

U.S. PTO Customer No. 25280
Case No.: 9103

REMARKS

Claims 42-49 were pending in this application. Claims 46-49 have been canceled. No claims have been added. It is respectfully submitted that all remaining claims now stand in condition for allowance. Accordingly, reconsideration and withdrawal of all outstanding rejections is requested at this time.

Claim Rejections:

As a preliminary matter, Applicants take note that for examining purposes the claimed stiffening is considered as a first element which forms a textile bond with the reinforcement layer (a second element) to form the overall claimed textile reinforcement layer. Thus, for examining purposes, the prior art must teach or suggest a textile reinforcement layer that has both a stiffening as well as a reinforcement layer. Moreover, the structure must have the stiffened character as claimed.

The sole piece of art used to support the outstanding anticipation and obviousness rejections is U.S. patent 4,857,379 to Plontges et al. However, as best understood, this reference does not teach or suggest the combination of a stiffening plus a reinforcement layer as claimed. Specifically, no reinforcement layer is disclosed.

In order to support an anticipation rejection, all elements of a claim must be disclosed. Likewise, in order to support an obviousness rejection, all elements of the claim must be taught or suggested. Accordingly, since there is no teaching or suggestion of a reinforcement layer in the cited art, it is respectfully submitted that such art cannot establish a proper *prima facie* case of anticipation or obviousness. Thus, it is requested that all outstanding rejections be withdrawn and the remaining claims passed to issue.

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Aside from the deficiency of the cited art to disclose the claimed reinforcement layer, such art also fails to disclose the claimed rigidity. In order to address this lack of teaching in the art, the Examiner takes the position that the claimed rigidity would be inherent in the materials disclosed in Plontges. This position is respectfully traversed and reconsideration is requested.

The fact that a certain result may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic. Rather, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art. See, MPEP §2112.

In the present case it is clear that the claimed rigidity does not necessarily flow from the teachings of Plontges et al. In this regard, the Examiner appears to be confusing strength with rigidity. For example, in reference to the materials disclosed in Plontges et al., the Office Action on page 4, lines 6-7 states as follows: "After impact of the heat and the consequent shrinking, the material reassumes it original firmness" (emphasis added). In support of this position, the Office Action cites the abstract and col. 2, lines 46-61 of the cited reference. However, a reading of these sections indicates nothing about firmness or rigidity. Rather, it is indicated that the material regains its initial strength. As will be appreciated, a material can have substantial tensile strength without being rigid (e.g. fishing line). Thus, there is no reason to expect that the claimed rigidity will be achieved by the structure of Plontges et al. This is particularly true in view of the absence of a reinforcement layer to support the fabric and distribute loads.

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CONCLUSION:

For the reasons set forth above, it is respectfully submitted that all remaining claims stand in condition for allowance. In the event that any issue remains unresolved, the Examiner is encouraged to contact the undersigned in the hope that such issue may be resolved in an expedient and satisfactory manner.

To any extent required, a petition for an extension is hereby made and authorization is provided to deduct any fee necessary for the acceptance of this paper from Deposit Account 04-0500.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to The United States Patent and Trademark Office at 703-872-9306 on May 7, 2004.

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